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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/502,018
Filing Date: December 27, 2004
Appellant(s): LINDSKOG, KJELL

Mark P. Stone
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 13, 2008 appealing from the Office action mailed December 11, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is contained in the brief.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

3,654,880	Schesso	4-1972
6,430,689 B1	Lacombe et al.	8-2002
5,705,991	Kniffin et al.	1-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schesso (US# 3,654,880) in view of Lacombe et al. (US# 6,430,689).

Referring to claim 1, Schesso discloses a process of opening a briefcase 20 (i.e. a container) for a transportation of currency or valuable papers 31 (i.e. a valuable objects or valuable documents) (column 1 lines 1 to 20; see Figures 1 and 2);

wherein the briefcase 20 (i.e. the container) includes a coder (40) (i.e. a first electronic unit) which functions to allow deactivation of a switch 37 (i.e. an alarm system) and/or opening of the briefcase 20 (i.e. the container); and

said the briefcase 20 (i.e. the container) includes a punch member projectile (29) for destroying the currency 31 contained therein unless said switch 37 is deactivated by a valid code signal (i.e. a full code-set (ABCD)) when opening the briefcase 20 (i.e. the container) (column 1 line 70 to column 2 line 22; see Figure 2);

characterized by the step of using a key lock 38 together with the electronic counter output code signal (i.e. the first key) for simultaneously completing the valid code signal (i.e. the full code-set (ABCD)) required to initiate deactivation of said the switch 38 and/or opening of the briefcase 20 without destroying the currency 31 within said the briefcase 20 (column 2 lines 60 to 73; see Figure 2).

However, Schesso did not explicitly disclose that wherein a first container-opening key includes a second electronic unit adapted to communicate with the first electronic unit when initiating opening of said the container.

In the same field of endeavor of securely transporting objects in a container, Lacombe et al. teach an encrypted smart card 11 (i.e. a first container-opening key) includes a memory stored an encrypted key K) (i.e. a second electronic unit) adapted to communicate with a smart card reader 9 of a container 1 (i.e. a first electronic unit) when initiating opening of said the container 1 (column 4 lines 12 to 18; column 5 lines 8 to 14; see Figure 2) in order to improve efficient protection against logical and physical aggression.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize replacing the encrypted smart card with a secret code to initiate opening of the container taught by Lacombe et al. with the key type mechanical key lock in opening of a briefcase of Schesso because using a encrypted smart card with a secret key K in combination with the electronic counter output code signal for simultaneously completing the valid code signal required to initiate deactivation of said the switch and opening of the briefcase would avoid potential thief during the transporting of money from a place of business to a bank.

Referring to Claims 2-3 and 11, Schesso in view of Lacombe et al. disclose the process according to Claim 1, Lacombe et al. disclose the container 1 requires encrypted smart card 11 with secret key K and another confidential code secret code 12 at the same time before permitting access to the container (column 4 line 55 to 67; column 5 lines 29 to 40). Same as disclosed in Schesso, a key lock 38 together with the electronic counter output code signal (i.e. the first key) for simultaneously completing the requirement to opening of the briefcase 20 without destroying the currency 31 within said the briefcase 20 (column 2 lines 60 to 73; see Figure 2). Therefore, the valid code signal contains the code signal (i.e. a subset (CD)) and the encrypted smart card contains secret key K (i.e. subset (AB) of the complete code-set (ABCD) required to initiate deactivation of said the switch and/or opening of the briefcase.

Referring to Claim 4, Schesso in view of Lacombe et al. disclose the process according to Claim 1, Schesso discloses that a key lock 38 together with the electronic counter output code signal (i.e. the first key) for simultaneously completing the requirement at the bank (i.e. in a

geographic vicinity) to opening of the briefcase 20 without destroying the currency 31 within said the briefcase 20 (column 2 lines 60 to 73; see Figure 2) and deactivating the switch 36 and/or opening of the briefcase 20 only within a time set (i.e. a predetermined time period) (column 2 lines 60 to 73; see Figure 2).

Claims 5-10 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schesso (US# 3,654,880) in view of Lacombe et al. (US# 6,430,689) as applied to Claim 1, and in further view of Kniffin et al. (US# 5,705,991).

Referring to Claim 5, Schesso in view of Lacombe et al. disclose the process according to Claim 1, however, Schesso in view of Lacombe et al. did not explicitly disclose that characterized by the step of transferring from the first key to the second key a subset of the complete code-set when said fist key is used together with the second key for the first time, said code subset is thereafter found only in the second key.

In the same field of endeavor of securely transporting objects in a container, Kniffin et al teach that the identification devices at the various delivery stops (i.e. second key) are reprogrammable devices {see Kniffin et al, column 9, lines 18-22+}. That, "programming instructions and authorization data are disseminated manually, such as by keys (i.e. master keys) with programming capabilities" {see Kniffin et al, column 5, lines 8-11}. This implies that master keys (i.e. claimed first key) are used to program other keys in the system of Kniffin et al (These types of keys are discussed in the patents cited in column 6, lines 18-26 of Kniffin et al, wherein one of the patents {Imran} is cited previously) and considered as functionally equivalent

to the claimed "the first key transfers to the second key (20) a unique subset (CD) of the complete code-set (ABCD)". Kniffin et al does not explicitly disclose, "the master key (first key) programs other keys (i.e. second key (20)) when used for the first time". The Examiner is taking Official notice that an ID device (i.e. claimed second key) is programmed with an ID code when used for the first time. As such, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include "the master key (first key) programs other keys (i.e. second key (20)) with an ID code when used for the first time" in the system of Kniffin et al because this will ensure that the correct ID code is transmitted by the ID device.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize transferring or programming the other keys with the master keys in the system of Kniffin et al. with the electronic keys for opening of a briefcase of Schesso in view of Lacombe et al. because using the master keys to program other keys at the beginning of operating a briefcase would improve convenient for user in programming the other keys in briefcase.

Referring to Claim 5, Schesso in view of Lacombe et al. disclose the process according to Claim 1, Kniffin et al. disclose the complete code-set (ABCD) required for initiating opening of the container 62 opens dialog-like communication with the electronic unit (2) of the container 62 for allowing opening of the container 62 to be completed, through the medium of code interplay, such as via radio transmissions as shown in Figures 1-4. Also see Kniffin et al, column 3, lines 32-45.

Referring to Claims 7 and 8, Schesso in view of Lacombe et al. disclose the process according to Claim 1, Kniffin et al does not disclose "an attempt to invalidate said stationary installation will result in the destruction of a code subset (CD) contained in the second key (20)" or "damage to a casing (21) containing the stationary second key (20) will result in the destruction of a code subset (CD) contained by the second key (20)", again, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, that if the proximity card of Kniffin et al is damaged or broken, then the circuitry within the card will also be damaged. When the circuitry of the card is damaged, then it will not function accordingly and will not be able to communicate with the access control device 64. As such, damage to the circuitry will also result in the destruction of the code contained by the proximity card.

Referring to Claim 9, Schesso in view of Lacombe et al. disclose the process according to Claim 1, Kniffin et al. discloses stationary second keys are installed in a number of spaces included in the transportation route of transportable containers 62 {see Kniffin et al, column 9, lines 11-22}

Referring to Claims 10 and 12-20, Schesso in view of Lacombe et al. disclose the process according to Claim 1, Schesso in view of Lacombe et al. and Kniffin et al. disclose an arrangement for carrying out the process according to claims 1-4, 9 and 11 except "said electronic unit (22) is encapsulated in a casing (21)". The Examiner is taking Official notice that electronic devices are encapsulated in a casing to protect the circuitry of the electronic device from damage. Therefore, although Schesso in view of Lacombe et al. and Kniffin et al does not

disclose "said electronic unit (22) is encapsulated in a casing (21)", it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to encapsulate the proximity card of Schesso in view of Lacombe et al. and Kniffin et al in a casing because the casing will advantageously be utilized to protect the ID device circuitry or proximity card circuitry from damage.

(10) Response to Argument

A. With respect to Claim 1, the appellant argues on section A.1, first paragraph, page 8, that the Schesso does not teach or suggest a second key stationarily positioned at a predetermined location at which authorized opening of the container is to occur.

In response to appellant's arguments, that "a second key stationarily positioned at a predetermined location" does not include certain features of Applicant's invention, the limitations on which the Applicant relies (i.e. "second key stationarily positioned at a predetermined location") is not stated in the claim. It is the claim that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.,* 7 USPQ2d 1064.

Furthermore, Schesso discloses the portable safe (20) (i.e. the container) can only be opened for transporting of money from a place of business to a bank (i.e. an intended destination) (column 1 lines 21 to 28). A coder (40) could take a variety of forms, such as an electronic counter that would only actuate a circuit to operate electromagnet 37 if the proper input signal was provided. Unless the proper input signal was provided, the switch 36 would not be opened

and the electromechanical locking means, plus the activation of the circuit, would not be released to permit the opening of the case (column 2 lines 51 to 59; column 2 lines 60 to 64; see Figure 1). Clearly, a second code input at an intended destination is required in order to release the electromechanical locking means such as solenoid of the container.

On page 8, second paragraph, the appellant argues with respect to the invention in Schesso does not teach or suggest that inputting different portions of the entire access code from two separate keys is not persuasive.

As defined by claim 1, the portable safe container of Schesso requires a key-type lock (38), which mechanically unlock the case and also would close the access to an electrical connection contained within opening (39), and also require a proper input signal placed through a coder (40) in order to release the switch 36 for permit the opening of the case (20) (column 2 lines 29 to 58; see Figure 1). Clearly Schesso discloses the portable safe container requires two separate keys in order to open the portable safe container.

Schesso discloses a means for punching at least one hole through the papers by an electrically activated punch in the event the container for paper is forced open by a thief. The switch 36 is preferably one which is coupled to a magnetic latching arrangement so that upon closing of the lid of the case electrical contact is provided and a locking mechanism simultaneously is activated. The switch and locking mechanism would both remain closed until properly released (column 2 lines 29 to 39; see Figure 2). Clearly, Schesso discloses the portable safe container requires two separate keys in order to open the portable safe container without destroying the money (i.e. the valuables objects).

Furthermore, no where in the claims said that a second key, including only a portion of an entire access code, is stationary positioned at a predetermined location need for authorized opening of the container. The claim 1 call out for a means for destroying the valuable objects or documents contained therein unless said alarm system is deactivated by a full code-set when opening the container. Therefore, as defined by claim 1, the portable safe container of Schesso requires a proper input signal (i.e. a second key) placed through a coder (40) in order to release the switch 36 for permit the opening of the case (20) in order permit the opening of the container without destroying the money (column 2 lines 29 to 58; see Figure 1). Clearly, Schesso discloses the portable safe container requires two separate keys in order to open the portable safe container without destroying the money. In other words, the proper input signal (i.e. a second key) may not require for opening of the container, it is only require deactivate said alarm system.

On page 9, second paragraph, the appellant's arguments with respect to the invention in Lancombe et al. teach away from the invention is not persuasive.

When the container or containers 1 is (are) delivered, the transporter 3 presents the terminal 7 to the presumed user 10, who must then insert the encrypted smart card 11 that he holds and at the same time input his confidential code 12 on the keyboard of the said terminal 7. When the user has been correctly identified, the transporter 3 retrieves the terminal to connect it through the communication interface 13 to the container 1 which, after successful comparison of the authentication codes of the carrier and therefore of the addressee, immediately changes to open mode so that the authorized user 10 can recover the cash that was normally intended for him (column 5 lines 29 to 40; see Figure 2). Clearly, Lacombe et al. disclose the portable safe

container requires two separate keys in order to open the portable safe container to recover the cash (i.e. the valuables objects). Therefore, the main intended purpose of using a plurality of security codes to open the portable containers is to improve security. In other words, both Lacombe et al. and Schesso teach using another code at the intended location is required to open the portable container. Using second code to identified the user and intended location correctly in order to improve security.

Furthermore, in the same field of endeavor of securely transporting objects in a container, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize replacing the encrypted smart card with a secret code to initiate opening of the container taught by Lacombe et al. with the key type mechanical key lock in opening of a briefcase of Schesso because using a encrypted smart card with a secret key K in combination with the electronic counter output code signal for simultaneously completing the valid code signal required to initiate deactivation of said the switch and opening of the briefcase would avoid potential thief during the transporting of money from a place of business to a bank. In other words, only authorized user can open the container to recover the money that normally intended for him at the intended addressee by using multiple keys to improve security.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/N. V. N./
Examiner, Art Unit 2612

Conferees:

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612